

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 1 of 16

Clearinghouse Rule Number: 07-089		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 5 and 18		Hearing Date: Monday, October 29, 2007	
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 1 Exhibit # 1	Tom Coates Access Elevator, Inc. Cudahy, WI	Believes the original bill involving stairway chairlifts, vertical and inclined platform lifts and residential elevators may have several negative impacts on people with disabilities because of the following factors: Indicates he is a sales representative for Access Elevator, Inc. and serves people who find it difficult to climb stairs in their home and who could benefit from using a lift but they do not have the money to afford them. The additional regulations for accessibility lifts and residential elevators would inevitably put the cost further out of reach for even more people. Lift companies will need to factor into the companies’ pricing not only the permit fees, but also costs for additional training of personnel beyond what the industry already requires and the cost of the time it would take for an installer to travel back to a jobsite after installation to meet with a state inspector and demonstrate the lift. States the fundamental question on this topic is whether there has been a significantly higher incidence of injury due to improper installation of accessibility lifts in states that do not require permits/licenses than in states that do. Supports maintaining the draft rules as written.	Support noted as well as the concern for the impact of the original bill.
Speaker 2	Jesse Kaysen Self Madison, WI	Uses elevators on a daily basis to circulate through buildings and believes there is a need to require that elevators be installed and inspected by qualified individuals. Believes the original intent of the bill should be maintained, which would require licensing of individuals to install and inspect elevators in both commercial and residential buildings. Indicates the same degree of safety for the users should be available in both commercial and residential buildings. Believes there should be independent inspectors separate from the elevator installers to ensure better safety.	The construction and installation requirements for elevators and lifts in residential dwelling units will be considered by the Uniform Dwelling Code Council, the Multifamily Dwelling Code Council and the Conveyance Safety Code Council in the future.
Speaker 3 Exhibit #2	Gene Englehardt Homecare Pharmacy Beloit, WI	Indicates that stairway chairlifts and platform lifts provide an affordable method for the elderly and the disabled to stay in their own homes. Supports the proposed rule draft as written. Indicates his company provides many types of medical equipment to people with disabilities and believes these types of companies have a track record of providing safe installations. Believes the original bill would place an economic burden on small businesses providing services similar to his	Support noted as well as the concern for the impact of the original bill.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 2 of 16

Clearinghouse Rule Number: 07-089		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 5 and 18		Hearing Date: Monday, October 29, 2007	
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		company’s services, and believes it will also be an economical burden to the people who need this equipment on a daily basis.	
Speaker 4 Exhibit #3	Gregg Rogers Elevator Industry Work Preservation Fund (EIWPF) Adel, IA	<p>a. Indicates as a licensed elevator mechanic in the state of Illinois and has been in the elevator business since 1974 working in the construction, modernization, repair and maintenance of numerous types of elevators and chairlifts, and is speaking against the proposed emergency rules. States the purpose of Act 456 was to provide for the safety of the riding public and the safety of those who work on or around conveyance equipment. Indicates conveyances are powerful by nature and unforgiving when they malfunction and states it is for that reason the elevator industry came together and developed what is called the Model Elevator Bill, which was used as the blueprint for Wisconsin Act 456. States the Department of Commerce has elected to revise the definition of conveyances to exclude one of the fastest growing areas of the conveyance industry, which are residential elevators, platform lifts and stairway chairlifts.</p> <p>Indicates that under the proposed changes anyone could install a piece of conveyance equipment in their home whether qualified or not, which may lead to injuries and death including children. He described numerous accidents in other states where children were killed or injured by malfunctioning elevators and lifts located in residences. Requests the Department reconsider the elimination of the conveyance equipment that moves people, especially those who might be limited in their homes.</p> <p>b. Indicates that personnel hoists and material hoists should not be eliminated from the definition of conveyances.</p> <p>c. Requests that Section 10, (1) (b) be reviewed for purpose. Comm 5.994 requires the elevator apprentice to work under the general supervision of a licensed mechanic. Suggests that Comm 5.996 relating to elevator helpers be modified to be under the <u>general</u> supervision of an elevator mechanic rather than <u>direct</u> supervision as written.</p>	<p>a. See agency response to speaker 2.</p> <p>b. Personnel and material lifts and hoists have traditionally been excluded since the agency adopts by reference the ASME A17.1 standard, which excludes personnel and material lifts and hoists. These devices are regulated by OSHA.</p> <p>c. An elevator helper is not required to have any special skills or knowledge and the agency believes they should be working under the direct supervision of an elevator mechanic.</p>
Speaker 5 Exhibit #4	Bill Page Bruno Independent and	Supports the proposed rule draft which excludes elevators, dumbwaiters, platform lifts, stairway chairlifts and other similar devices serving an	Support noted as well as the concern for the impact of the original bill.

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 3 of 16

Clearinghouse Rule Number: 07-089		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 5 and 18		Hearing Date: Monday, October 29, 2007	
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	AEMA	<p>individual residential dwelling unit. Supports the definition of “lift” as a conveyance device covered under the scope of ASME A18.1 along with the license requirements that are specific to lift products. At the national level the ASME codes are separate for elevators and accessibility equipment. Agrees that there should be license and inspection requirements for commercial lifts but that they should not have the same license requirements as an elevator product. Believes the training requirements as outlined are focused on commercial elevator products and not residential accessibility products, such as stairway chairlifts and platform lifts. The typical residential dealer would never work on commercial elevators and would not have the elevator training and would most likely not be able to obtain an “elevator” license to install equipment in Wisconsin. This would put the accessibility contractor out of business.</p> <p>Believes that if residential equipment is not exempt from the requirements that it would have a negative effect on Bruno’s business and the status of the 300 employees. Bruno is represented by about 25 dealers across Wisconsin who have been trained to sell, install and service the accessibility products that Bruno manufacturers. Suggests that if the application of the rules is changed to cover residential units, the regulatory flexibility analysis should be changed to indicate that there would be a significant impact on small businesses.</p> <p>Indicates many residential accessibility installers are certified through a special program for residential accessibility equipment. The residential accessibility equipment is designed for residential use and is covered by the Food and Drug Association (FDA). The FDA keep records of all reported injuries for this type product and few accidents have been reported. The EIWPF has the experience and the knowledge to determine what the proper requirements for the commercial elevator and escalator industry but we ask the Conveyance Safety Code Council to understand that the residential accessibility industry provides different products with different safety requirements and the requirements for these products should be determined by the accessibility industry experts rather than the elevator industry</p>	

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 4 of 16

Clearinghouse Rule Number: 07-089		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 5 and 18		Hearing Date: Monday, October 29, 2007	
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 6 Exhibit #5	Patrick Edwards Integrity Group Companies, Inc. Lindenhurst, IL	<p>a. Supports the rules as written but suggests the following corrections:</p> <p>1. Comm 5.003 (10g) (a) change the wording “serving an” to “in or at.”</p> <p>2. Comm 5.990/change all of the references to “elevators” to “conveyances” for consistency and greater application of the license.</p> <p>3. Comm 5.990 (3) (a) and (b)/suggests that the “president of a corporation” be added.</p> <p>4. Comm 5.992/questions whether a person applying for a license can qualify if they have been in the “helper classification” and earned 1,000 hours over a 5 year period.</p> <p>b. Indicates the different application dates are confusing and suggests that the rules become effective 180 days after adoption of the rules.</p> <p>c. Indicates he is in favor of registering residential conveyance contractors and they would need to show compliance with Comm 5.990 (3) (a)1. and 2.</p> <p>d Believes the rules as written have an impact on small business and if the rules were changed to include residential dwelling units there would be a significant impact on small businesses.</p>	<p>Support noted.</p> <p>a. 1. The agency believes the proposed wording in the draft accomplishes the same intent.</p> <p>a. 2. The proposed wording in the draft maintains consistency with the law.</p> <p>a. 3. The proposed language is consistent with the agency’s other business credentials.</p> <p>a. 4. The work of the helper classification must be at the mechanic level for them to apply for the examination.</p> <p>b. The two dates allow people reasonable time to receive the credential</p> <p>c. Suggestion noted.</p> <p>d. Support noted as well as the concern for the impact of the original bill.</p>
Speaker 7 Exhibit #6	Michael R. Bruno II Bruno Independent Living Aids, Inc. Oconomowoc, WI	Similar comment to speaker 5, exhibit #4	Support noted as well as the concern for the impact of the original bill.
Speaker 8	Steven Lex IUEC Local 132 Cottage Grove, WI	Opposes the elimination of the residential units from the licensing and installation requirements. Believes the riders of units in residential dwellings should have the same considerations and safety as riders in commercial buildings and would like to see the rules changed to include both.	See agency response to speaker 2
Speaker 9	Bob Wanless IUEC Madison, WI	Opposes the elimination of residential elevators under Comm 5.003 (10g). Indicates he is National Elevator Industry Education Program (NEIEP) instructor and the classes provide training on both residential and commercial elevators and he is an elevator mechanic. Gave an example of	See agency response to speaker 2

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 5 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Madison, WI
Rule Number: Chapters Comm 5 and 18			Hearing Date: Monday, October 29, 2007
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		an unsafe operating elevator in a private residence where the occupants were unaware of the safety problems with the unit. Believes the rules should apply to both commercial and residential elevators.	
Speaker 10 Exhibit #7	Steven Ketelboeter Local 132 – Elevator Dane, WI	Believes that most home owners are not aware of the importance of routine maintenance and without proper installation and inspection they could be subject to safety problems. Believes the rules should apply to both commercial and residential elevators and that this work should be performed by licensed individuals. He also submitted the same letter as submitted under exhibit #23	See agency response to speaker 2
Speaker 11	Ron Sperb Badger Elevator Lannon, WI	Opposes Comm 5.003 (10g) (a), which does not include conveyances in residential dwelling units. Indicates that commercial type lifts are required to obtain a permit to install the lift, pass inspection before the public can use the lift and the units would be subject to annual inspections and he believes that home owners should have the same requirements. Believes the rules should apply to both commercial and residential elevators and that this work should be performed by licensed individuals.	See agency response to speaker 2
Speaker 12 Exhibit #8	Rich Rajchel IUEC Local 15 Rochester, WI	Opposes Comm 5.003 (10g) (a), which does not include conveyances in residential dwelling units. Indicates he has worked for the National Elevator Industry Education Program (NEIEP) and this organization was created for the purpose of operating a program for education and training of employees in the installation, maintenance and service of all types of passenger and freight elevators, dumbwaiters, and moving stairways and walkways to assure the elevator industry has a constant supply of competent mechanics and apprentices. NEIEP conducts annual mechanic exams after apprentices successfully complete 4 years of school and 144 hours of study per year on their own time. The apprentices spend 28 hours of their first year devoted to safety. NEIEP also offers courses covering standard installation and procedures related to residential and limited-use/limited access (LULA) elevators, platform lifts and chairlifts. Believes the permitting and licensing processes for elevators and accessibility equipment would provide residents with a safer environment. Cited the accident in Florida involving a 6 year old child. Proposes that both commercial and residential elevators and lifts	See agency response to speaker 2

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 6 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Madison, WI
Rule Number: Chapters Comm 5 and 18			Hearing Date: Monday, October 29, 2007
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		be installed by qualified, licensed mechanics.	
Speaker 13	Roger Wundrow Braun Thyssenkrup Stanley, WI	Indicates he is an accessibility representative for Braun/ThyssenKrup and for the last 3 years they have used certified accessibility technicians and believes the home owners are benefiting from the use of these professional installers. Indicates that a residential elevator ranges from \$14,000 to \$25,000 and by using certified installers it only adds between 6-7% more. Proposes that both commercial and residential elevators and lifts be installed by qualified, licensed mechanics.	See agency response to speaker 2
Speaker 14	Dan Graeff NEIEP Local 15 Oconomowoc, WI	Similar comment to speaker 12	See agency response to speaker 2
Speaker 15 Exhibit #9	Kelvin Nord IUEC Local 15 Slinger WI	Opposes Comm 5.003 (10g) (a), which excludes conveyances in residential dwelling units. Believes it is the duty of the Conveyance Safety Code Council to ensure that all Wisconsin conveyance riders are thought of and spoken for when making decisions that directly impact their lives. Believes education is the key to qualifying any worker for any type of employment and by requiring a certified elevator license would ensure constructors who are installing elevators are qualified. Cited the accident in Florida involving a 6 year old child. (A DVD was provided.) Suggests revising Comm 5.003 (10g) to ensure that “elevators” installed, maintained and inspected in private residences are completed by individuals who have received the appropriate license.	See agency response to speaker 2
Speaker 16 Exhibit #10	Kraig A. Ausman On the Go Mobility Milwaukee, WI	Supports the proposed rules they way they are written. Believes without this rule change the original law his business would suffer greatly. Explains that stairway chairlifts are installed over an existing stairway and are much simpler in design than an elevator. Believes that elevators in commercial buildings should have the licensing requirements but the simpler products such as stairway chairlifts should have less restrictive requirements, which could still keep the product affordable to the customers. (Included brochures of the type of equipment his company provides.)	Support noted as well as the concern for the impact of the original bill.
Speaker 17	George Klaetsch Self	Urges the Department to consider revising Comm 5.003 (10g), which excludes residential elevators. Believes the intent of the Wisconsin	See agency response to speaker 2

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 7 of 16

Clearinghouse Rule Number: 07-089		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 5 and 18		Hearing Date: Monday, October 29, 2007	
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	Madison, WI	Legislature was for safety and that they were aware the licensing requirements would apply to both commercial and residential units. Indicates that Commerce has the authority to make modifications to definitions but believes the omission of the residential units is contrary to the legislative intent and industry and public opinion. Proposes that Comm 5.003 (10g) be modified to include elevators in residential units.	
Speaker 18 Exhibit #11	Dave Heidorn American Society of Safety Engineers Oak Park, IL	Represents American Society of Safety Engineers (ASSE), which is a global membership society of 32,000 safety, health and environmental professionals, and opposes the proposed rules implementing 2005 Wisconsin Act 456 and urges the Department to redraft the rules in accordance with the legislation. Include language which would not exempt property owners from the proposed licensing and inspection requirements. Include requirements for personnel and material hoists, which are used during construction as temporary elevators. Believes that not including these elevators is contrary to Act 456 and to the voluntary construction safety standards adopted by the construction industry through the widely respected American National Standards Institute's (ANSI). Suggests that the rules be modified to include that every construction site personnel lift in Wisconsin be constructed by properly trained and licensed individuals. Included information on the number of occupational deaths related to hoists used in construction. (1992 -2004, 6 deaths for elevator installers and repairers.)	See agency response to speaker 2 See agency response to speaker 4
Speaker 19 Exhibit #12	Douglas Buit Community Home Medical Equipment (CHME) Madison, WI	Indicates that he is representing CHME and they are in favor of the proposed hearing draft. CHME has been installing residential stairway chairlifts for the past 10 years and can serve customers by installing a lift and having it available the day they come home from the hospital. If the elevator contractors manage their way into the residential area, we will be eliminating our more personal home medical stairway chairlift services. Understands that safety is important for the installation of conveyances but believes regulating the smaller units such as stairway chairlifts the same as elevators would have a negative impact on affordability and may deter people from installing equipment that could help them with their personal needs.	Support noted as well as the concern for the impact of the original bill.
Speaker 20 Exhibit #13	Robert Schmidt Bay Pharmacies, Inc.	Supports the proposed rules as written. Believes without this rule change the original law would negatively affect his ability to serve his customers and	Support noted as well as the concern for the impact of the original bill.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 8 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Madison, WI
Rule Number: Chapters Comm 5 and 18			Hearing Date: Monday, October 29, 2007
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	Green Bay, WI	they would be the ones to suffer. Indicates that a manager of an accessibility equipment provider in Minnesota had experienced some of the delays related to requiring permits and inspections after installation. Believes these issues negatively impact the consumer.	
Speaker 21 Exhibit #14	Bill Stelzer Green Bay Home Medical Equipment Green Bay, WI	Indicates his company is similar to other durable medical equipment companies. Their company does not want to get in the business of installing elevators but wants to continue to provide the medical type equipment, including stairway chairlifts, for people in their homes. Supports the proposed changes to Comm 5 and 18 as written. Our business and especially our customers would be harmed significantly if the proposed changes are not enacted. Indicates that his company provides convenience to many disable or elderly persons by installing these stairway chairlifts in a very timely manner and at a very affordable price. They serve many hospice patients for short term use and in the case of financial difficulty they have waived the charges as well. We understand the need to protect the public in public buildings but we also hope that everyone can appreciate what our industry does for people in their homes.	Support noted as well as the concern for the impact of the original bill.
Speaker 22 Exhibit #15	Rick Sobeck Otis Elevator Co. West Allis, WI	a. Opposes the elimination of residential elevators as a conveyance. The fact that the apparatus is in a private residence does not exclude or eliminate the safety requirements. Indicates the elimination of residential elevators from, at a minimum, an initial inspection and then a required inspection upon ownership transfer, ignores the fact that they are conveyances which require maintenance and can provide the potential for injury if not properly maintained. Believes residential elevators installed in private residences should be installed and operate in the same safe fashion as any other elevator that serves the riding public. b. Opposes Comm 5.990 (1) (b) which would allow business owners to use whomever they choose to maintain elevators in a building they own.	a. See agency response to speaker 2 b. The business does not need to hold a contractor license; however, any person doing conveyance work must comply with section Comm 5.991 (1) (a), which states “no person may erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances unless the person holds one of the credentials listed under this section.”

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 9 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Madison, WI
Rule Number: Chapters Comm 5 and 18			Hearing Date: Monday, October 29, 2007
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>c. Indicates that the term “restricted” is used to describe licenses for those that would be qualified to repair and maintain conveyances, with the exception of replacing the ropes. Asks why someone would be qualified to maintain an elevator but not be qualified to replace the ropes. Believes these requirements are confusing.</p> <p>d. Believes the requirements for permit applications that do not require inspections should be removed since they provide no additional service to the consumer.</p> <p>e. Opposes the requirement that maintenance records be made available to elevator personnel. Believes the maintenance record requirement was never intended to be solely for the use of an inspector. Suggests that the requirement be changed to “upon reasonable request.”</p> <p>f. Questions why the elevator mechanic is required to have 5 years of experience rather than the 3 years as specified in the law.</p>	<p>c. The agency believes the replacement of the ropes requires a higher skill level.</p> <p>d. Requirements for permit applications will be discussed with the Conveyance Safety Code Council during their review of the technical requirements in chapter Comm 18.</p> <p>e. Requirements for maintenance records will be discussed with the Conveyance Safety Code Council during their review of the technical requirements in chapter Comm 18.</p> <p>f. The 5 years is to be consistent with the apprenticeship requirements.</p>
Speaker 23 Exhibit #16	Jeff C. Lund Waupaca Elevator Co. Appleton, WI	Agrees with the Department of Commerce and the Conveyance Safety Code that elevators, dumbwaiters, platform lifts, stairway chairlifts and other similar devices serving an individual residential dwelling unit should be not included in this proposal. Understands there is a difference between residential and commercial products and is in agreement with the ASME that different products have different codes and are regulated differently. His installers meet the requirements of NEAC CTA training for installation of home elevators. Believes the licensing process is well beyond what is required or necessary for residential equipment and the cost to home owners would be a hardship.	Support noted as well as the concern for the impact of the original bill.

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 10 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Mailed Comments
Rule Number: Chapters Comm 5 and 18			Hearing Date:
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit #17	John Quackenbush Self Sunset Beach, NC	a. Indicates he is a member of the ASSE A10 Standards Committee, spent 49 years in the elevator industry and he also has ALS or Lou Gehrig’s disease. Opposes the elimination of private residences from the protections provided under ASME A17.1 and ASME A18.1. Included letters of support for the original bill from the ALS Association in North Carolina and the Muscular Dystrophy Association from North Carolina b. Believes there is no logic to exclude personnel hoists and material hoists from the requirements since he believes that it is not only the workers at a construction site that use the elevators during the building construction.	a. See agency response to speaker 2 b. See agency response to speaker 4
Exhibit #18	Scott Lowell Lowell Management Services, Inc. Lake Geneva, WI	Supports the rules that would exempt residential elevator products from the licensing laws. Believes that requiring installers of residential elevators to have the same licensing requirements for those that install elevators in commercial buildings would be cost prohibitive to many home owners.	Support noted as well as the concern for the impact of the original bill.
Exhibit #19	Doug and Dan Daun Owners Emailed comment	Supports the proposed rules as written. Believes if the original law goes into effect, the price for residential elevators will be cost prohibitive.	Support noted as well as the concern for the impact of the original bill.
Exhibit #20	Tony Pfefferman A-1 Elevator Sales and Services Corp. Green Bay, WI	Believes that residential and commercial elevators should not be regulated the same by code or requirements for installers. Believes the original law would dramatically restrict many homeowners from obtaining affordable accessibility within their personal dwelling space.	Support noted as well as the concern for the impact of the original bill.
Exhibit #21	Richard Wasserburger Design Shelters, LLC Middleton, WI	Supports the rules which exempt the residential elevators.	Support noted as well as the concern for the impact of the original bill.
Exhibit #22	Christopher M. Theriault Lea, Rhine, Rosbrugh & Chleborowicz, PLLC Willington, NC	Submits a letter from Karen Means regarding the death of her daughter who rode a private residence elevator in Carolina Beach, NC. Indicates that in another case similar to the death of her daughter, the courts required the elevator company to train their employees and to provide homeowners with warnings of the dangers associate with altering the safety features. Indicates that North Carolina does not have safety laws for private residence elevators but that she is lobbying for these changes.	See agency response to speaker 2
Exhibit #23	Jeff Halverson Self Deerfield, WI	Opposes the proposed rules under Comm 5.003 (10g) (a) which eliminates private residence elevators from the rules. Indicates that he has worked on elevators and believes that seniors and disabled are vulnerable and should be	See agency response to speaker 2

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 11 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Mailed Comments
Rule Number: Chapters Comm 5 and 18			Hearing Date:
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		entitled equal protections for the equipment in their homes as well as commercial facilities.	
Exhibit #24	Adam Lex Self Cambridge, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #25	Mark D. Halverson Self Deerfield, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #26	Brian Lex Self Cottage Grove, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #27	Andrew W. Gorman Self Evansville, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #28	James W. Ness Self Lodi, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #29	Ollie Matthew Self Madison, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #30	Scott Sucher Self Fort Atkinson, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #31	Rick Weiss Self Stoughton, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #32	Jacob Bishop Self Arlington, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #33	Kenneth Larson Self Cottage Grove, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #34	Steven E. Rosario Self	Same as exhibit #23	See agency response to speaker 2

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 12 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Mailed Comments
Rule Number: Chapters Comm 5 and 18			Hearing Date:
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	Pardeeville, WI		
Exhibit #35	Mark J. Kuhlman Self Beaver Dam, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #36	Ken R. Smith Self Madison, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #37	Doug Horstmeyer Self 4913 Wallace Ave. Monona, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #38	Mark E. Higinbotham Self W7892 Loveland Rd. Poynette, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #39	Nolberto Natera Self 4729 Gaston Circle Cottage Grove, WI	Same as exhibit #23	See agency response to speaker 2
Exhibit #40	Lin Fang Chen Self 1441 Dayflower Dr. Madison, WI	Same as exhibit #23	See agency response to speaker 2

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Page 13 of 16

Clearinghouse Rule Number: 07-089		Hearing Location: Mailed Comments	
Rule Number: Chapters Comm 5 and 18		Hearing Date:	
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit #41	Paul S. Rosenberg Performance Elevator Consulting, LLC Mequon, WI	<p>a. Represents the Architectural Design and Elevator Consulting Professions on the Conveyance Safety Council. As an elevator consultant I am a member of the National Association of Vertical Transportation Professionals (NAVTP). In the process of reevaluating my position on residence elevator I have conferred with both the Executive Director Curtis Formey and President Robert Dieter of the NAVTP. Both empatically endorse regulation of all elevators installed in private residences, including plan review and acceptance inspection at an absolute minimum.</p> <p>The National Association of Elevator Safety Authorities (NAESA) International is comprised predominately of inspectors, including those employed by city, county, state, federal and private organizations. While the NAESA International organization does not advance positions on legislative action, Executive Director Dotty Stanlaske stated that she personally supports legislation to regulate the installation of residence elevators in all states from her perspective as the former Chief elevator Inspector in Washington and Superintendent of Inspectors for the State of Massachusetts.</p> <p>I have also spoken with several elevator consultants that have represented plaintiffs in residence elevator accident litigation. Frankly speaking, this is business they would rather not have. By all accounts, the loss of life that has occurred on elevators installed in private residences typically has resulted from substandard installation that never was subject to an acceptance inspection certifying compliance with safety codes and industry standards.</p> <p>Once the acceptance inspection has established that the elevator was installed in compliance with elevator safety codes, a need exists for recurring inspections. Industry experts offer different recommendations on the frequency of inspections. The absolute minimum standard would be at the time of installation and the transfer of the real estate property. However a general consensus promotes a three to five year inspection frequency after the initial acceptance.</p>	<p>a. See agency response to speaker 2</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 14 of 16

Clearinghouse Rule Number: 07-089		Hearing Location: Mailed Comments	
Rule Number: Chapters Comm 5 and 18		Hearing Date:	
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>b. Suggests Comm 5.991(1)(b) be modified based on the following information: Although it may not have been the intent of the rules, this section as currently written clearly prohibits a person holding any of the licenses listed in Comm 5.991(1)(a) items 1-5 from working on a conveyance that is excluded from the scope of this legislation. If an owner of an excluded device is willing to hire a licensed elevator mechanic or mechanic-restricted, a registered elevator apprentice, apprentice-restricted, or registered elevator helper, to repair a material handling lift, for example, legislation should not preclude him from doing so.</p> <p>c. Suggests the following replacements or additions to 5.991(2)(b) include:</p> <ol style="list-style-type: none">1. Changes to or the repair of interior finishes of a conveyance that...2. Replacing, repairing, or installing lighting fixtures located in the conveyance car enclosure, pit, hoistway, or machine room, machine space, control room, or control space.3. Systems such as fire alarm initiating devices, receptacles, heating, cooling, and ventilation in the conveyance car enclosure, pit, hoistway, or machine room, machine space, control room, or control space.4. Drains, sump pumps, or sprinklers and associated equipment located in elevator pits, hoistways, or machine room, machine space, control room, or control space.5. Mainline power including disconnect switch or circuit breaker with overcurrent device, car lighting or other branch circuits and overcurrent device, emergency or standby power system, and telephone service in elevator machine room, machine space, control room, or control space.6. Cleaning of elevator pits.7. Repair of hoistway enclosures and elevator doors or gates.	<p>b. The proposed rule was clarified to address the concern raised.</p> <p>c. The agency believes the wording in the proposed draft accomplishes the same intent.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 15 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Mailed Comments
Rule Number: Chapters Comm 5 and 18			Hearing Date:
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response

		<p>d. Suggests the following to sections Comm 5.997(1)(b) and Comm 5.998(3)(4): Work on lifts should not be restricted to those enrolled in the five year elevator apprenticeship program since at least one other qualified educational program is available. For example, the Certified Accessibility and Private Residence Lift Technician education and certification program (CAT™) sponsored by the NAEC is available, consisting of a two-year industry based education curriculum for accessibility contractors. Regulation of residence elevators and platform or stairway lifts should not be viewed in the context of a union jobs issue. Attached documents that were downloaded from the NAEC website.</p> <p>e. Suggests the following for section Comm 18.1013(2)(b): The words “machine room” in items #1-3 is not consistent with the A17.1-2007 terminology. Substitute “machine room, machine space, control room, or control space”...</p>	<p>d. The rules will permit an apprenticeship program specific to lift mechanics.</p> <p>e. Requirements relating to terminology will be discussed with the Conveyance Safety Code Council during their review of the technical requirements in chapter Comm 18.</p>
Exhibit #42	Stuart Keith Meriter Home Health Madison, WI	Supports the rules which exempt residential conveyances. Believes if the rules are changed to cover residential units that many home medical equipment providers may not be able to provide these devices to their clients as part of their treatment plan. Believes that separate rules for residential conveyances should be established.	Support noted as well as the concern for the impact of the original bill.
Exhibit #43	Brad Boycks Wisconsin Builders Association Madison, WI	Supports the code as written under section Comm 5.003 (10g), which excludes conveyances serving individual residential dwelling units.	Support noted as well as the concern for the impact of the original bill.
Exhibit #44	Cal Martin Self Emailed comment	Supports the proposed draft as written. Believes these rules will keep homes affordable to those who need them.	Support noted as well as the concern for the impact of the original bill.
Exhibit #45	Kevin Marien Waupaca Elevator Southern Wisconsin Sales Representative	Supports the proposed draft as written. Indicates that Waupaca Elevator is the largest residential elevator manufacturer in the state. Explains as a manufacturer they require their dealers to go through an extensive background check which includes experience in the trade, number of employees and years of experience, liability insurance coverage, and hands on training at the manufacturing facility.	Support noted as well as the concern for the impact of the original bill.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Page 16 of 16

Clearinghouse Rule Number: 07-089			Hearing Location: Mailed Comments
Rule Number: Chapters Comm 5 and 18			Hearing Date:
Relating to: Licensing of elevator contractors and installers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		Suggests that if licensing for residential elevator contractors is required, the licensing program should be separate from the commercial program.	
Exhibit #46	Ted Cheney Cheney Elevators, Inc. Emailed comment	Suggests that private residence elevators be inspected after installation by CAT certified installers and that private residence stairway chairlifts, inclined wheelchair lifts and vertical wheelchair lifts be installed only by persons certified to be qualified by the manufacturers will not need to be inspected. Also, residential elevator installation firms must show an inspection cost as a separate item on their quotations as well as a list of qualified inspection firms or agencies. Suggests that there be no application to install residential elevators only the submission of the inspection report to the Department upon completion of inspection.	See agency response to speaker 2
Exhibit #47	Dan M. Lyans Self Mount Horeb, WI	Similar comment to exhibit #23	See agency response to speaker 2
Exhibit #48	James F. Ruzkowski Self Reedsburg, WI	Similar comment to exhibit #23	See agency response to speaker 2